United Nations CRC/C/IRQ/CO/2-4

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined second to fourth periodic reports of Iraq*

1. The Committee considered the combined second to fourth periodic reports of Iraq (CRC/C/IRQ/2–4) at its 1958th and 1960th meetings (see CRC/C/SR.1958 and 1960), held on 21 January 2015, and adopted the following concluding observations at its 1983rd meeting, held on 30 January 2015.

I. Introduction

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State party (CRC/C/IRQ/2–4) and the written replies to its list of issues (CRC/C/IRQ/Q/2–4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the ratification of the:

(a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in June 2008;

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in June 2008;

(c) Convention on the Rights of Persons with Disabilities, in March 2013;

(d) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in July 2011;

(e) International Convention for the Protection of All Persons from Enforced Disappearance, in November 2010;

* Adopted by the Committee at its sixty-eighth session (12–30 January 2015).

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(f) Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), in April 2010;

(g) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in February 2009;

(h) International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in July 2001;

(i) Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, in 2013.

4. The Committee also notes with appreciation the adoption of the following constitutional and legislative measures:

(a) 2005 Constitution of Iraq, which includes provisions for the protection of the family, maternity and childhood;

(b) Act No. 8 on Prevention of Domestic Violence in the Kurdistan Region of Iraq, in 2011;

(c) Combating Trafficking in Persons Act No. 28, in 2012.

5. The Committee welcomes the following institutional and policy measures:

(a) National Development Plan (2013–2017);

(b) National Strategy for Reproductive Health and Maternal and Child Health (2013–2017);

(c) Strategy to Facilitate Access to High-Quality Education in the Kurdistan Region (2013–2018);

(d) National Strategy to Eradicate Illiteracy in Iraq (2011–2015);

(e) National Education and Higher Education Strategy (2011–2020);

(f) National Anti-Corruption Strategy (2010–2014);

(g) Poverty Reduction Strategy (2010–2014);

(h) The Committee also welcomes the invitation extended by the State party to United Nations special procedures in February 2010.

III. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes the particularly severe effects of the ongoing armed conflict, political instability and presence of armed groups in the State party, the reinforcement of sectarian and ethnic divisions and the rise of religious extremism, which have led to severe violations of children's rights and constitute a serious obstacle to the implementation of the rights enshrined in the Convention, particularly worsened by terrorist acts committed by criminal groups belonging to the so-called Islamic State of Iraq and the Levant (ISIL). The Committee reminds the State party of the continuity of international human rights obligations and that the rights under the Convention apply to all children at all times. The Committee also reminds the State party that it bears the primary responsibility to protect its population and should therefore take immediate measures to stop the use of excessive and

lethal force against civilians and to prevent further violence against children, including killing and injury.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

7. The Committee urges the State party to take all necessary measures to address its previous recommendations, made in 1998 (CRC/C/15/Add.94), that have not been implemented or sufficiently implemented and, in particular, reiterates its recommendations that the State party:

(a) Consider the possibility of reviewing the reservation to article 14.1 with a view to its withdrawal (para. 6);

(b) Strengthen the Child Welfare Authority by increasing its budgetary allocations, as well as its power and authority to implement the Convention (para. 9);

(c) Strengthen coordination between the various government bodies involved in children's rights at both the national and local levels, and make greater efforts to ensure closer cooperation with non-governmental organizations (NGOs) working in the field of children's rights (para. 10);

(d) Review the system of data collection with a view to incorporating all the areas covered by the Convention. Such a system should include all children, with specific emphasis on those in vulnerable situations, including those who are victims of abuse or ill-treatment, child workers, children involved with the administration of juvenile justice, the girl child, children of single-parent families and children born out of wedlock, abandoned and/or institutionalized children, and children with disabilities (para. 12);

(e) Prioritize budgetary allocation to ensure protection of the economic, social and cultural rights of children, especially taking into account articles 2, 3 and 4 of the Convention, and in that regard seek to eliminate the disparities between urban and rural areas and between provinces (para. 13).

Legislation

8. The Committee welcomes the information provided by the delegation during the interactive dialogue that the draft Jaafari personal status law has been abandoned, and the commitment that it will never be tabled again.

9. The Committee also notes with appreciation that a number of child-related bills are still in the process of discussion and study, namely, the draft child protection act, the proposed child protection law in the autonomous Kurdistan region, the Children's Parliament Bill and the Child Welfare Authority Bill.

10. The Committee urges the State party to expedite the process of adoption of these billsacts, ensuring their full compatibility with the provisions of the Convention.

Independent monitoring

11. While welcoming the establishment of the High Commission for Human Rights of Iraq by Law No. 53 of 2008 and of the Independent Board of Human Rights in the

Kurdistan region by Law No. 4 of 2010, the Committee is however concerned about their lack of independence and limited resources. The Committee is also concerned that plans to establish a specific mechanism to monitor children's rights have not yet materialized.

12. **The Committee, in the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, urges the State party to promptly establish an independent mechanism, either a child unit within the High Commission for Human Rights of Iraq or a separate mechanism (e.g. an Ombudsperson for children), to monitor the implementation of the Convention and deal with children's complaints of violations of their rights in a child-sensitive and expeditious manner, and to provide remedies for such violations. The Committee also urges the State party to ensure that the High Commission, as well as the institution monitoring children's rights, comply with the Paris Principles and that any independent monitoring mechanism is properly resourced and has a presence throughout the territory.**

Corruption

13. The Committee, while welcoming the National Anti-Corruption Strategy (2010–2014), expresses serious concern about the high prevalence of corruption and the lack of accountability mechanisms in the State party and the resulting detrimental impact on children's rights.

14. **In line with the United Nations Convention against Corruption, the Committee urges the State party to take firm measures to prevent and eradicate corruption and prosecute State and local officials for acts of corruption.**

Cooperation with civil society

15. The Committee is concerned that civil society organizations and human rights defenders, including those working specifically on children's rights and those assisting women and girls fleeing violence, are the subject of regular harassment, arbitrary surveillance and warrantless searches and that many are forced to operate illegally and clandestinely.

16. **The Committee urges the State party to take prompt measures to ensure that human rights defenders are able to carry out their work safely in a manner consistent with the principles of a democratic society. The Committee also urges the State party to ensure that reported instances of intimidation and harassment of human rights defenders or members of civil society organizations are promptly and independently investigated, and that those responsible for such abuses are held accountable.**

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

17. The Committee is concerned about the persistent and extreme gender-based discrimination which girls experience from the earliest stages of their lives and throughout their childhood and which exposes them to domestic violence; psychological and sexual exploitation and abuse; early, forced and temporary (muta'a) marriage; and little access to education.

18. **The Committee urges the State party to repeal without further delay all laws which discriminate against girls, including inheritance dispositions, and eliminate negative attitudes, practices and deep-rooted stereotypes towards girls by formulating a comprehensive strategy with clearly defined targets and an appropriate monitoring**

mechanism. All sectors of society, including girls, should be involved in coordinating the formulation and monitoring of this strategy.

19. The Committee is concerned about persistent discrimination against various groups of children in the State party, including children belonging to ethnic and/or religious minority groups, especially concerning their access to identification documents and social services; children born out of wedlock; children with disabilities who are subjected to multiple violations of their rights; and lesbian, gay, bisexual and transgender children, children who are cared for by persons from these groups and children demonstrating non-conformist social behaviour.

20. **The Committee recommends that the State party ensure full protection against discrimination on any grounds, adopt and implement a comprehensive strategy addressing all forms of discrimination against all groups of children in vulnerable situations, and combat discriminatory societal attitudes. It also recommends that the State party:**

(a) Take proactive measures to ensure the full integration of children from ethnic and religious minorities into society;

(b) Ensure by law and in practice the full inclusion of children with disabilities in society and their equal access to all public services;

(c) Ensure that children who belong to lesbian, gay, bisexual and transgender groups or who are cared for by persons from these groups, as well as children demonstrating non-conformist social behaviour, are not subjected to any form of discrimination, by raising the public's awareness of equality and non-discrimination on the basis of sexual orientation and gender identity.

Best interests of the child

21. The Committee notes with concern that the State party has insufficiently integrated into its legislation the right of the child to have his or her best interests taken as a primary consideration, and that public officials have not been provided with training on this issue.

22. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children.**

Right to life, survival and development

23. The Committee abhors and condemns the targeted and brutal killings of children by the so-called ISIL and in particular:

(a) The systematic killing of children belonging to religious and ethnic minorities by the so-called ISIL, including several cases of mass executions of boys, as well as reports of beheadings and crucifixions of children and the burying of children alive;

(b) The killing or severe injury of a very large number of children as a result of the current fighting, including by air strikes, shelling and military operations by the Iraqi Security Forces, and as a result of landmines and explosive war remnants. This includes deaths from dehydration, starvation and heat in conflict-affected areas;

(c) The abduction by the so-called ISIL of a large number of children, many of whom are severely traumatized from witnessing the murder of their parents and are subjected to physical and sexual assault.

24. **The Committee strongly urges the State party to take all necessary action to ensure the safety and protection of children and their families, and enable them to leave areas affected by conflict and to access basic humanitarian assistance. In particular, the State party should:**

(a) Bring to justice perpetrators of conflict-related violations and abuses, in particular those that amount to war crimes or crimes against humanity;

(b) Respect the principles of distinction and proportionality when carrying out armed operations against the so-called ISIL and other armed groups, and take all feasible precautions to spare civilians, in particular children, from the effects of hostilities;

(c) Establish a formal mechanism for child protection and information-sharing with the United Nations Country Task Force on Monitoring and Reporting;

(d) Accede to the Rome Statute of the International Criminal Court and consider making a declaration under article 12, paragraph 3, to accept the exercise of jurisdiction by the Court from the beginning of the current conflict;

(e) Establish mechanisms to ensure that children abducted by the so-called ISIL are provided with appropriate assistance, including for their full social reintegration and full physical and psychological recovery;

(f) Take into account the special needs of children, in particular girls, during repatriation, rehabilitation and post-conflict reconstruction.

25. The Committee is deeply concerned that, while women and girls continue to be killed or injured in the name of so-called "honour", or are subjected to social pressure that results in their committing suicide, the State party has still not repealed article 409 nor articles 128, 130 and 131 of the Penal Code (Act No. 111 (1969)), in which so-called "honourable motives" are considered to be mitigating factors for crimes such as murder. The Committee is also concerned about:

(a) The persistence of gender-based discriminatory attitudes within society, which have resulted in people from besieged towns requesting the Government to bomb the prisons where girls and women are held, raped and sold into sexual slavery by the so-called ISIL;

(b) Extremist armed groups and militias arbitrarily judging and killing women and girls in the name of so-called "honour";

(c) Lack of access to protection by girls who are in danger of falling victim to crimes in the name of so-called "honour".

26. **The Committee urges the State party to apply a zero tolerance policy towards gender-based crimes committed in the name of so-called "honour" and ensure a prompt and effective investigation into all cases. In particular, the State party should:**

(a) Repeal without delay articles 409, 128, 130 and 131 of the Penal Code (Act No. 111 (1969)) and any other legal provisions that might be used or interpreted as permitting so-called "honourable motives" to serve as a mitigating factor; and ensure that the defence of so-called "honour" may not be invoked under any circumstances; and that perpetrators of gender-based violence and crimes committed in the name of so-called "honour", including extrajudicial killings, receive sanctions commensurate with the gravity of their crimes;

(b) Undertake awareness-raising efforts targeting the general public, the media and religious and community leaders, in collaboration with civil society and

women's organizations, to eliminate all misogynistic attitudes in the name of so-called "honour";

(c) Ensure the effective protection, including shelter and protective schemes, for women and children at risk of becoming victims of a crime committed in the name of so-called "honour", or who are in danger of committing suicide owing to social or family pressure.

27. The Committee is deeply concerned about cases of children who are, or who are suspected of being, lesbian, gay, bisexual or transgender, as well as children demonstrating non-conformist social behaviour, being persecuted, tortured and killed by non-State militias with impunity. The Committee is also concerned that the police and courts regularly consider the sexual orientation or gender identity of a victim of violence as a mitigating factor, leading to many cases of attacks against lesbian, gay, bisexual and transgender children going unreported out of fear of further victimization and discrimination.

28. **The Committee recommends that the State party take all necessary measures to protect lesbian, gay, bisexual and transgender children and children demonstrating any kind of non-conformist behaviour from all forms of attack; hold perpetrators of attacks fully accountable; and ensure that the sexual identity or gender identity of the victim is under no circumstances accepted as a mitigating circumstance.**

Respect for the views of the child

29. The Committee is concerned that the draft children's parliament act has still not been adopted. The Committee is also concerned about the absence of any legal provision explicitly enabling the child to express his or her views in matters concerning himself or herself and the fact that decisions concerning children, including marriage decisions, are most of the time imposed upon them.

30. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party actively promote the right of the child to be heard, and incorporate, facilitate and implement within the family, schools and the community, as well as in institutions taking care of children and in administrative and judicial proceedings, the principle of respect for the views of the child, by adopting legislation establishing systems and/or procedures for social workers and courts to comply with the principle.**

C. Civil rights and freedoms (arts. 7–8 and 13–17)

Birth registration/name and nationality/identity

31. While welcoming the adoption of Act No. 26 (2006), enabling women to pass on their nationality to their children, the Committee is concerned that children born outside the State party's territory obtain their mother's nationality only if the father is unknown or stateless and that obtaining nationality is then subject to the discretion of the Minister of the Interior. The conferring of nationality by the mother is solely possible if the marriage has been duly registered. This leads children born out of wedlock or from marriages of an Iraqi mother to a foreign national, forced marriages to combatants or informal marriages to be stateless. The Committee is also concerned about:

(a) The State party's civil records system depending on the 1957 census, which has led diverse sections of the population, in particular the Dom community, to be deprived of a nationality certificate, as well as of many of their rights;

(b) The risk of children of mixed couples not receiving identity documents as a result of the Personal Status Code of 1959 prohibiting the marriage of Muslim women to non-Muslim men;

(c) The non-registration of Baha'i children as a result of Law No. 105 of 1970, prohibiting the Baha'i faith;

(d) Faili Kurd children often being stateless owing to the slow reinstatement process for the Faili Kurd population;

(e) The requirement that a "virgin girl" between 12 and 40 years of age needs the consent of her parents or legal representative to be issued a passport.

32. **The Committee calls upon the State party to amend article 4 of Act No. 26 (2006) with a view to ensuring that children can obtain their mother's nationality without any restrictions and to:**

(a) Take prompt measures to renew the current civil records system, based on a current census which includes all persons living in the State party, and provide all excluded persons, in particular members of the Dom community, with provisional nationality certificates;

(b) Ensure that children from non-registered marriages are issued identification, and make legal amendments for the registration of every voluntary marriage, regardless of the faith of the couple;

(c) Accelerate the reinstatement process for the Faili Kurd population, and provide Faili Kurd children with identification;

(d) Entitle girls to be issued a passport without their guardians' permission;

(e) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

33. **The Committee further recommends that the right of children to access basic services, such as education and medical care, be made independent of registration.**

Freedom of thought, conscience and religion

34. The Committee is concerned that religious affiliation is indicated on identity documents, a situation which exacerbates the discrimination faced by children belonging to religious minorities. Furthermore, the Committee, in line with the Committee on the Elimination of Racial Discrimination (CERD/C/IRQ/CO/15–21, para. 13) is concerned about information received from civil society according to which children of ethno-religious minority groups whose parents have converted to Islam are banned from reverting to their original religion.

35. **The Committee recommends that the State party fully respect the right to freedom of religion for all children, remove the mention of religious affiliation from identification documents and ensure that every child is duly consulted before his or her religion is changed.**

D. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

36. The Committee is concerned about reported acts of torture and other cruel or degrading treatment or punishment committed against children by the police.

37. **With reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to:**

(a) Investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment of children in a prompt and independent manner, and ensure that such acts receive an appropriate response through judicial process, in order to avoid impunity for perpetrators, and that evidence obtained through the use of torture is declared inadmissible;

(b) Establish a complaint mechanism accessible to children deprived of liberty and ensure that personnel working with juvenile offenders are properly trained and informed about their role and responsibilities;

(c) Provide child victims of torture and ill-treatment with the means of physical and psychological recovery, ensure their social reintegration and provide them with compensation.

Corporal punishment

38. The Committee is concerned that children are routinely subjected to corporal punishment in the State party, that corporal punishment remains lawful in schools and in alternative care settings and that, while it is prohibited in detention and prison facilities, it is not explicitly prohibited in other institutions accommodating children in conflict with the law, including the Surveillance Centre, the Rehabilitation School for Preadolescents, the Rehabilitation Centre for Adolescents and the Juvenile Rehabilitation Centre. The Committee also notes with concern that corporal punishment remains lawful in the home and that, according to article 41 of the Penal Code (Act No. 111 (1969)), a husband has the legal right to discipline his wife by beating her.

39. **With reference to general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to prohibit corporal punishment explicitly in all settings and to:**

(a) Ensure that laws prohibiting corporal punishment are implemented effectively and that legal proceedings are initiated promptly and conducted systematically against those responsible for mistreating children;

(b) Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on both the physical and psychological harmful effects of corporal punishment with a view to changing attitudes towards this practice, and promote positive, non-violent and participatory forms of child-rearing and discipline.

Abuse and neglect

40. The Committee, while welcoming Act No. 8 on Prevention of Domestic Violence Act in the Kurdistan Region of Iraq (2011), is seriously concerned about the insufficient legal protection from domestic violence for women and children, as well as the significant underreporting of violence due to fear of shaming the family, to risk of reprisals from the family or community, as well as to harassment and abuse from police and security forces.

41. **The Committee urges the State party to take firm measures to tackle domestic violence effectively and to:**

(a) Ensure the implementation of Act No. 8 on Prevention of Domestic Violence Act in the Kurdistan Region of Iraq and adopt similar legislation for the rest of the State party;

(b) Eliminate cultural taboos discouraging complaints of violence and adopt a comprehensive strategy to inform the general public on the inadmissibility of violence and abuse in any context;

(c) Develop teaching materials on the subject, train teachers accordingly and ensure that children are trained on the inadmissibility of violence and abuse from an early age;

(d) Establish an independent mechanism to which children and women can address complaints about all forms of abuse and neglect as well as violence and harassment by the police.

Sexual exploitation and abuse

42. The Committee is concerned about the high prevalence of sexual exploitation and abuse of children, particularly girls. The Committee is also concerned about:

(a) Article 427 of the Penal Code (Act No. 111 (1969)), which allows for the impunity of perpetrators of rape in cases where they marry the girl they have abused;

(b) Lack of support for the full psychological and physical recovery of child victims;

(c) Stigmatization of child victims of sexual exploitation and abuse.

43. **The Committee urges the State party to take prompt legal measures to:**

(a) Repeal article 427 of the Penal Code (Act No. 111 (1969));

(b) Ensure that all cases of sexual exploitation and abuse of children are thoroughly investigated and the perpetrators prosecuted and punished;

(c) Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation;

(d) Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims;

(e) Combat the stigma and discrimination faced by child victims.

Sexual slavery

44. The Committee abhors the continuing sexual enslavement of children since the emergence of the so-called ISIL, in particular of children belonging to minority groups who are held by ISIL. It notes with the utmost concern the "markets" set up by ISIL, in which they sell abducted children and women after attaching price tags to them; and the sexual enslavement of children detained in makeshift prisons of ISIL, such as the former Badoush prison outside Mosul.

45. **The Committee urges the State party to take all necessary measures to rescue children who are under the control of the so-called ISIL and bring the perpetrators to justice. The Committee also urges the State party to provide assistance to children released or rescued from slavery or abduction.**

Harmful practices

46. The Committee is deeply concerned about the prevalence of female genital mutilation in the State party, in particular in the autonomous Kurdistan region, despite its criminalization by Act No. 8 of 2011, and that insufficient measures have been taken to combat this practice.

47. **The Committee, referring to the joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, urges the State party to:**

(a) Strictly enforce the criminalization of female genital mutilation, including by making reporting of it mandatory, and ensure that everyone who performs it is prosecuted and punished in accordance with the law;

(b) Develop sensitization programmes to eliminate underlying social norms, value systems and attitudes which contribute to the practice of female genital mutilation, targeting households, local authorities, religious leaders, medical practitioners and judges and prosecutors.

48. The Committee is deeply concerned about the high prevalence of early, temporary (muta'a) marriages and forced marriages of girls, reportedly on the rise since 2003. While noting that article 9 of the Personal Status Act No. 188 prohibits forced marriage, the Committee is concerned that this article only applies if the marriage has not yet been "consummated". The Committee is also concerned about:

(a) The practice of Al Nehwa marriages, where a girl is forced to marry her paternal cousin;

(b) Cases of forced marriage being reviewed by a court only if the victim files a complaint, and of victims not benefiting from any protection after filing the complaint;

(c) Legal exceptions to the minimum age set for marriage of 18 years for girls and boys in Act No. 188 (1959), which allow for the marriage of girls at the age of 15, and in article 8 of the Juvenile Welfare Act No. 76 (1983), by which a judge may authorize the marriage of a 15-year-old girl under certain circumstances;

(d) The minimum age for marriage being 16 years in Kurdistan, and even lower if authorized by a guardian.

49. **The Committee, in the light of the joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices (2014), urges the State party to take active measures to put an end to the practice of early and forced marriage, and to:**

(a) Ensure that the minimum age of marriage set at 18 years for both girls and boys is enforced, that in no circumstance can a child below 16 years of age be married and that grounds for obtaining derogation as of 16 years are strictly defined by law and subject to the authorization of a competent court upon the full, free and informed consent of the child;

(b) Establish awareness-raising campaigns and sensitization programmes on the harmful effects of early and forced marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders and judges and prosecutors;

(c) Establish protection schemes for victims of forced marriage who file a complaint;

(d) Create protection measures for victims of temporary (muta'a) marriages.

E. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1–2, 20, 21, 25 and 27, para. 4)

Family environment

50. The Committee is concerned that polygamy and repudiation remain legal in the State party, which is contrary to the dignity of women and girls and which negatively affects their children. The Committee is particularly concerned that:

(a) Negative gender stereotypes persist concerning the tasks and roles of women and girls, especially in the family, and that widowed and divorced women face severe discrimination, which has an impact on their children, including discrimination in obtaining official documents and accessing government aid;

(b) Mothers are considered as the "physical" but not the legal custodian of their children and women are granted custody only until the child is 10 years of age, with rare exceptions.

51. **The Committee urges the State party to ensure that all provisions that discriminate against women and hence have a negative impact on their children, such as those which authorize polygamy and repudiation, are repealed without delay. The Committee also calls upon the State party to:**

(a) Ensure that mothers and fathers share the legal responsibility for their children equally, in accordance with article 18, paragraph 1, of the Convention;

(b) Eliminate all forms of discrimination against single women, including widows and divorced women, and provide them and their children with increased protection. The Committee further urges the State party to provide female heads of household with sufficient financial support, and ensure their access to health care and social security.

Children deprived of a family environment

52. The Committee is extremely concerned about the significant number of children who have been forcibly separated from their parents during displacement, or whose parents have been forced to leave them with the so-called ISIL under threat of the death of the child. The Committee is also concerned about the large number of children who have lost their families during the many years of conflict, and about the lack of measures and strategies to provide these children with protection and alternative care, in particular foster care.

53. **The Committee recommends that, as a matter of urgency, the State party:**

(a) Take all necessary measures to free children who have been captured by the so-called ISIL, reunite them with their families and provide them with all the necessary physical and psychological health care;

(b) Strengthen its alternative care programme, particularly foster care, and ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children in their care to the greatest extent possible.

54. The Committee is concerned about the consequences of the criminalization of sexual relations outside marriage in article 377 of the Penal Code (Act No. 111 (1969)), which leads to the risk of babies born as the result of such relations being abandoned or killed. The Committee is also deeply concerned at the social rejection and stigmatization of single mothers in the State party, and at the serious consequences of their social rejection on their children.

55. **The Committee urges the State party to:**

(a) Repeal article 377 of the Penal Code and to prevent the abandonment or killing of children born out of wedlock;

(b) Provide unmarried mothers with the necessary support to enable them to take care of their children;

(c) Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children;

(d) Combat and eliminate the stigma attached to out-of-wedlock pregnancy;

(e) Foster responsible parenthood and sexual behaviour, with particular attention to awareness-raising among boys and men.

Children in prison with their mothers

56. The Committee is concerned that most prisons for women lack a nursery, although many children live with their mothers in prison, and about the various cases of sickness affecting those children because of deficient sanitation and general care. The Committee is also concerned about cases of children staying in prison for several weeks after the execution of their mothers.

57. **The Committee urges the State party to:**

(a) Seek alternative measures to institutional confinement for pregnant women and mothers with young children, wherever possible;

(b) Ensure adequate living conditions for children in prison with their mothers;

(c) Ensure that the best interests of children are taken into account in criminal proceedings concerning their parents, and that death sentences are not carried out on mothers who have a child for which they are caring.

F. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33)

Children with disabilities

58. The Committee is concerned about the situation of children with disabilities being particularly worsened by the current conflict, as well as about the continuing societal discrimination and stigma towards children with disabilities. In particular, it is concerned about:

(a) School buildings being insufficiently accessible for children with disabilities, the absence of appropriate learning materials, the shortage of specially qualified teachers and the lack of adequate early childhood development services for children with disabilities;

(b) The insufficient access of children with disabilities to social services and to financial support.

59. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, placing particular focus on children who have become injured during conflict, and specifically recommends that it:**

(a) Ensure effective inclusive education and allocate all the necessary human, technical and financial resources for its implementation;

(b) Undertake awareness-raising programmes on eliminating discrimination against children with disabilities, and strengthen its enforcement mechanisms for ensuring compliance with its legislation prohibiting such discrimination;

(c) Ensure equal access of children with disabilities to all social services and provide financial assistance to families caring for a child with disabilities.

Health and health services

60. The Committee notes with appreciation that there has been a significant increase in immunization coverage and institutional delivery since 2006, but regrets the high rate of under-5 mortality, the high prevalence of chronic undernutrition and maternal mortality, especially concerning underage mothers, in rural areas and the central and southern regions. This includes the increased emergence of communicable and non-communicable diseases, including the high risk of a polio and measles outbreak, and a high rate of malnutrition among internally displaced children. The Committee is also concerned that, while the armed conflict is having a devastating impact on the availability and quality of health care, the State party devotes a low percentage of the federal budget to its health-care system.

61. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party take all necessary measures to increase its health budget and to:**

(a) Reduce maternal mortality by providing access to emergency obstetric care and ensuring access to trained delivery care at home and to services at maternal and child healtl. clinics with trained health-care providers. Particular focus is needed on displaced communities, rural areas and the central and southern regions;

(b) Allocate all necessary human, technical and financial resources for interventions aimed at reducing preventable and other diseases, particularly diarrhoea, acute respiratory infections and undernutrition;

(c) Take all necessary measures to equip hospitals sufficiently, and seek assistance from the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO).

62. The Committee notes with concern that many regions are affected by a high toxic level of lead, mercury contamination and depleted uranium pollution, which has led to a high infant mortality rate and an increase in cancer rates and birth defects among children.

63. **The Committee recommends that the State party make every effort to remove all types of war remnants and disseminate information among children and the general public about the different types of war remnants, and undertake protection measures. Furthermore, children who have been injured or fall ill should be provided with all the necessary health care.**

Mental health

64. The Committee is concerned about the significant number of children suffering from varying degrees of post-traumatic stress disorder.

65. **The Committee recommends that the State party set up programmes and train specialists to support children who suffer from post-traumatic stress disorder and ongoing conflict-related stress, and consider seeking assistance from UNICEF and WHO in this regard.**

Adolescent health

66. The Committee notes with concern that adolescents lack access to reproductive health services, including access to contraceptives and safe abortion services.

67. **Referring to its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party:**

(a) Review its legislation concerning abortion to ensure that the best interests of pregnant teenagers are guaranteed, and ensure by law and in practice that the views of the pregnant child are always heard and given due consideration in abortion decisions;

(b) Adopt a comprehensive sexual and reproductive health policy for adolescents, and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections.

Drug and substance abuse

68. The Committee is concerned about the increase in drug abuse among adolescents, and the unavailability of drug prevention services that address the needs of adolescent drug users.

69. **The Committee recommends that the State party provide children and adolescents with accurate and objective information and life-skills education on preventing substance abuse, including tobacco and alcohol but especially hard drugs, glue and solvent sniffing, through public school programmes and media campaigns, and protect children from harmful misinformation and models. The Committee also recommends that the State party develop accessible and anonymous drug dependence treatments and harm reduction services for children and young people.**

Standard of living

70. The Committee welcomes the State party's poverty reduction strategy 2010–2014 aimed at reducing the number of citizens living in poverty and halving the illiteracy rate. However, the Committee is concerned about the high number of children suffering from poverty and lacking access to social services, and about significant geographic disparities. Furthermore, the Committee deeply regrets:

(a) The high number of homeless children throughout the State party;

(b) The lack of access to housing, safe drinking water, adequate sanitation or waste collection services in many parts of the country;

(c) The confiscation of houses, stores and other possessions of families from minority groups by the so-called ISIL, thereby depriving many families of their complete livelihood.

71. **The Committee recommends that the State party include children's rights in its poverty reduction strategy. Furthermore, the Committee calls upon the State party to:**

(a) Establish a comprehensive strategy to address the needs of homeless children, paying particular attention to the most vulnerable groups, and include them as priority beneficiaries of the poverty reduction strategy;

(b) Prioritize the provision of drinking water and environmental sanitation as well as access to and the availability and affordability of food, and consider asking UNICEF and WHO, among others, for assistance to address these issues;

(c) Provide support to, and ensure the means of existence of, families who have been deprived of their belongings by the so-called ISIL.

G. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

72. The Committee welcomes the National Education and Higher Education Strategy (2011–2020). It notes with concern, however, that only half of secondary school-age children are currently attending school, as a consequence of schools being attacked and schoolchildren kidnapped on their way to school, and that a very high number of internally displaced and refugee children have no access to school. The Committee is also concerned about:

(a) The state of disrepair of school buildings which have been bombed and destroyed or which have been occupied by displaced communities;

(b) Insufficient and inadequate education materials, as well as lack of access to clean drinking water and adequate sanitation in schools;

(c) The highly insecure situation of teachers, many of whom have been assassinated or kidnapped, have fled the country or have been obliged to work under threat for the so-called ISIL;

(d) Girls' access to school being hampered by negative patriarchal customs and norms, which leads to a significant number of girls being illiterate; (e) The inadequacy of the budgetary allocation for education.

73. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party take all necessary measures to reintegrate children affected by armed conflict into the education system, including through non-formal education programmes and by prioritizing the restoration of school buildings and facilities and ensuring the provision of water, sanitation and electricity in conflict-affected areas, and that it:**

(a) Relocate internally displaced persons in non-school buildings, if feasible, while ensuring their safety;

(b) Take all necessary measures to protect children on their way to school as well as education facilities and teaching staff;

(c) Consider establishing provisional schools as well as teacher training programmes enabling citizens to work in these schools as provisional staff;

(d) Increase financial support to families living in poverty and undertake campaigns to instil awareness among parents of the importance of sending their children, particularly girls, to school;

(e) Call upon partners to provide increased humanitarian funding for education, and adequately equip schools with books and sufficient appropriate teaching and learning materials.

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Internally displaced and refugee children

74. The Committee is seriously concerned about the situation of insecurity and poor living conditions of refugee and internally displaced families and children, especially those who remain cut off from any humanitarian assistance and who suffer starvation in the mountains. The Committee is particularly concerned that children are recruited by non-State armed groups and that internally displaced and refugee families live under constant threat in overcrowded settlements, often without access to safe drinking water and sanitation, sewage disposal, health services, heating systems, blankets or winter clothes. The Committee is also concerned that:

(a) The provision of instalment grants to displaced families by the Ministry of Migration and Displacement, as well as the provision of treatment and preventative services, have only benefited a small number of internally displaced children and that access to food rations, education, government benefits and financial assistance is provided only after presentation of identification documents which most of them do not possess;

(b) Refugee and internally displaced girls are particularly exposed to domestic violence, forced, temporary (muta'a) and early marriages and "sexual exploitation";

(c) Most refugee and internally displaced children lack access to education while child labour is on the increase; and

(d) NGOs are not allowed to provide displaced persons with shelter.

75. **The Committee urges the State party to take all necessary measures to guarantee the rights and well-being of internally displaced and refugee children, and in particular to:**

(a) Increase substantially the resources allocated for internally displaced persons and implement targeted programmes for children in order to ensure their adequate access to clean water, adequate sanitation, including dignity kits for girls and women, food and shelter, including access to heating systems, blankets and winter clothing, as well as health-care and immunization coverage;

(b) Integrate internally displaced children and families into the State social assistance schemes as a matter of priority, and ensure that all public services and programmes are accessible and available to them, inter alia by simplifying registration procedures for access to services, in particular regarding access to food and education, independently from identification documents;

(c) Establish provisional school facilities for internally displaced children and reintegrate them into mainstream schools as soon as possible;

(d) Lift immediately unnecessary restrictions on the activities of NGOs, in particular regarding the provision of shelter, take all feasible measures to simplify their access to the internally displaced population, and call upon partners to provide increased humanitarian assistance through airdrops;

(e) Enhance security in refugee camps, take all necessary measures to protect children against recruitment, violence and sexual exploitation and provide increased protection to girls and women by ensuring their direct access to services;

(f) Establish accessible complaints mechanisms, fully investigate cases of abuse and prosecute perpetrators;

(g) Accede to the 1951 Convention relating to the Status of Refugees.

Children belonging to minority or indigenous groups

76. The Committee expresses its deepest concern at the deplorable situation of children and families belonging to minority groups, in particular Turkmen, Shabak, Christians, Yazidi, Sabian-Mandaeans, Kaka'e, Faili Kurds, Arab Shia, Assyrians, Baha'i, Alawites, who are systematically killed, tortured, raped, forced to convert to Islam and cut off from humanitarian assistance by the so-called ISIL in a reported attempt by its members to suppress, permanently cleanse or expel, or in some instances, destroy these minority communities.

77. **The Committee urges the State party to take immediate measures and provide all necessary protection to children belonging to minority groups and ensure that those persecuting them are prosecuted and punished, respecting international standards of due legal process. Furthermore, the Committee urges the State party, wherever possible, to commit itself to the full restitution to minority communities of their former lands and homes and to provide compensation to those who have lost their properties.**

78. The Committee expresses concern that children belonging to minority groups have also been facing other forms of discrimination in the State party and that attacks against minority groups have often been carried out with impunity, mainly owing to the reluctance of State law enforcement authorities to hold the perpetrators accountable, the lack of confidence in State officials and fear of repercussions. The Committee is also concerned that:

(a) Children belonging to minority groups continue to face legislative and practical obstacles to access services, in particular identification documents, health care, education, safe drinking water, electricity and adequate housing;

(b) Children from the Black community and Roma villages do not have primary education facilities and many Turkmen schools do not receive assistance from the Ministry of Education;

(c) Despite the constitutional guarantee for children to be educated in their mother tongue, this right is frequently not respected for children from minority groups. The Committee further regrets that the history or culture of minorities is hardly represented in the curriculum and that there have been cases of marginalization of children belonging to minority groups by teachers;

(d) There are regular instances of hate speech against minorities and lack of legal protection against it, and children from minority groups suffer from everyday societal marginalization and discrimination, including harassment of girls from minority groups for not being veiled.

79. **The Committee recommends that the State party amend its legislation to ensure the equal treatment of children from minority groups and fully prohibit any form of discrimination towards them. The Committee also recommends that the State party:**

(a) Ensure that minority groups are fully protected from attacks and that all cases of officials aiding and abetting crimes against minorities are thoroughly investigated and prosecuted;

(b) Enact a law implementing article 125 of the Constitution, which guarantees the administrative, political, cultural, and educational rights of children of the various nationalities, and repeal all legislation contradicting this constitutional guarantee;

(c) Set up a monitoring system to ensure that all children have the possibility to be taught in their mother tongue;

(d) Establish awareness-raising campaigns to combat discrimination and stereotypes vis-à-vis children belonging to minorities and promote respect and tolerance for different cultures, beliefs and lifestyles.

Economic exploitation, including child labour

80. The Committee notes that, in conformity with ILO Convention No. 182, the worst forms of child labour are forbidden in the State party. The Committee, however, regrets the weak and insufficient implementation of this prohibition and is deeply concerned about reports according to which a significant number of children between the ages of 3 and 16 are engaged in child labour, many of them in hazardous conditions, vulnerable to violence and sexual abuse. The Committee also regrets that:

(a) Labour law provisions do not apply to children over 15 years of age who are employed in a family enterprise managed or supervised by a spouse, father, mother, brother or sister;

(b) Full and adequate protection against all forms of sexual harassment in employment and occupation is lacking.

81. **The Committee urges the State party to enact legislation to ensure that child labour, including in the informal economy and family businesses, is in full compliance with international standards in terms of age, working hours, working conditions, education and health, as well as to ensure the full protection of children against all forms of sexual, physical and psychological harassment. The Committee also recommends that the State party:**

(a) Establish programmes to reintegrate children who are illiterate and/or have been involved in child labour into mainstream education, seeking the assistance of the International Programme on the Elimination of Child Labour and ILO, among others;

(b) Strengthen the implementation of labour laws by establishing labour inspections, including in the informal sector, and ensure that anyone violating legislation on child labour be held accountable;

(c) Address the root causes of economic exploitation by increasing poverty eradication efforts.

Children in street situations

82. The Committee is very concerned about the large number of children, including many internally displaced children, living and/or working in the streets, where they are exposed to various forms of crime, including sexual violence and abuse, to drugs and to being used by criminal gangs.

83. **The Committee recommends that the State party develop a national strategy to support children in street situations and ensure their access to adequate nutrition, clothing, housing and educational opportunities, including vocational and life-skills training. Furthermore, the Committee recommends that the State party:**

(a) Promote and implement programmes aimed at the physical and psychological recovery and social reintegration of children in street situations, and facilitate, whenever possible, their reunification with their families;

(b) Ensure the access of children in street situations to drug dependence treatment, and place particular focus on the protection of children in street situations from sexual exploitation and abuse;

(c) Collaborate with NGOs working with children in street situations and the children themselves and seek technical assistance from UNICEF, among others.

Sale, trafficking and abduction

84. The Committee is deeply concerned that internal displacement and sectarian violence have also led to a significant increase in trafficking, with many children being trafficked, in particular for sexual exploitation and domestic servitude, but also for forced labour or services, slavery or similar practices and servitude, both within the country and in the Islamic Republic of Iran, Jordan, Kuwait, Lebanon, Saudi Arabia, Turkey, the United Arab Emirates and Yemen. The Committee is also particularly concerned about reports of children being trafficked from orphanages by employees for the purpose of forced prostitution.

85. **The Committee urges the State party to combat trafficking in children for sexual and other exploitative purposes, and to:**

(a) Ensure that perpetrators are systematically prosecuted and punished and that children who have become victims of trafficking are never treated as criminals;

(b) Implement appropriate policies and programmes for the physical and mental recovery of child victims and for their social reintegration;

(c) Carry out awareness-raising activities in order to make children and families aware of the dangers of both internal and external trafficking and aware of protection measures, and encourage victims and witnesses to report cases of trafficking;

(d) Continue and strengthen international cooperation in order to address the root causes of the sale and trafficking of children.

Administration of juvenile justice

86. While appreciating the State party's Juvenile Welfare Act (No. 76 of 1983), which provides for alternatives to detention, the Committee regrets that these options are very seldom used in practice. The Committee is also highly concerned about the increasing number of children in detention, especially in pretrial detention for long periods, and the particularly poor living conditions to which they are subjected, including overcrowding, exposure to physical and sexual abuse and insufficient access to medical services. The Committee is particularly concerned about:

(a) Reports of girls sentenced to death being held in the Karrada juvenile detention facility until they turn 18 and then being transferred to death row, despite the Juvenile Welfare Act not permitting life imprisonment or the death penalty for children;

(b) The low age of criminal responsibility, which is set at 9 years of age and which is only increased to 11 years of age in the draft juveniles act;

(c) Instances where the lack of birt' registration and difficulties in determining the age of children have resulted in death sentences for persons who were under 18 years of age at the time of the offence;

(d) The lack of adequate rehabilitation programmes or institutions to support children's reintegration in society following detention.

87. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) Immediately remove all children from death row and ensure that the explicit prohibition of the imposition of the death penalty or life imprisonment for crimes committed by persons under 18 years of age is implemented effectively by giving clear instructions in this respect;

(b) Promptly review the files of all prisoners on death row or serving a life sentence and ensure that their death or life sentences are revoked if they were under 18 years of age when they committed the crime for which they are being punished, and where it is not possible to determine conclusively the age of the child at the time of the offence, presume that he or she was under 18 years of age;

(c) Ensure that a child's case is brought to court for a decision on the lawfulness of his or her detention within 24 hours after his or her arrest;

(d) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, and ensure that detention is used as a last resort and for the shortest possible time and that it is reviewed on a regular basis with a view to withdrawing it;

(e) Raise the minimum age of criminal responsibility to an internationally acceptable standard;

(f) Develop facilities and programmes for the physical and psychological recovery and the social reintegration of juveniles.

I. Ratification of the Optional Protocol on a communications procedure

88. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

J. Ratification of international human rights instruments

89. **The Committee recommends that the State party, in order to strengthen further the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights, to the International Covenant on Civil and Political Rights, to the Convention on the Elimination of All Forms of Discrimination against Women, to the Convention against**

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to the Convention on the Rights of Persons with Disabilities.

K. Cooperation with regional and international bodies

90. The Committee notes that various programmes and projects are being implemented in the framework of international cooperation, including technical assistance and cooperation with United Nations agencies and programmes.

91. The Committee recommends that the State party continue to undertake measures to sustain and increase international cooperation, while at the same time seeking to strengthen its own resources and institutional structure for the implementation of the Convention, its two Optional Protocols and other human rights instruments.

V. Implementation and reporting

A. Follow-up and dissemination

92. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second to fourth periodic reports, the written replies of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

93. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 14 July 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for the purposes of consideration by the treaty body cannot be guaranteed.

94. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for the common core document, as established by the General Assembly in paragraph 16 of its resolution 68/268, is 42,400 words.